

## **RICHMOND, CALIFORNIA, September 14, 2021**

The Richmond City Council Evening Open Session was called to order at 1:00 p.m. by Mayor Thomas K. Butt via teleconference.

*Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom issued executive orders that allowed cities to hold public meetings via teleconferencing (Executive Order N-29-20).*

*DUE TO THE SHELTER IN PLACE ORDERS, attendance at the City of Richmond City Council meeting was limited to Councilmembers, essential City of Richmond staff, and members of the news media. Public comment was confined to items appearing on the agenda and was limited to the methods provided below. Consistent with Executive Order N-29-20, this meeting utilized teleconferencing only. The following provides information on how the public participated in the meeting.*

*The public was able to view the meeting from home on KCRT Comcast Channel 28 or AT&T Uverse Channel 99 and livestream online at <http://www.ci.richmond.ca.us/3178/KCRT-Live> and <http://www.youtube.com/user/KCRTTV>.*

*The methods to submit public comment were via mail, email to [cityclerkdept@ci.richmond.ca.us](mailto:cityclerkdept@ci.richmond.ca.us), teleconference, and telephone during the meeting. Written comments received by 1:00 p.m. on September 14, 2021, were put into the record and considered before Council action. Written comments received after 1:00 p.m. and up until the public comment period on the relevant agenda item closed, were also put into the record. **Attached herewith all written public comments received.***

### **ROLL CALL**

**Present:** Councilmembers Nathaniel Bates, Claudia Jimenez, Eduardo Martinez, Gayle McLaughlin, Melvin Willis, and Mayor Thomas K. Butt. **Absent:** Vice Mayor Demnlus Johnson III arrived after adjourning to Closed Session.

### **PUBLIC COMMENT INSTRUCTIONAL VIDEO**

The Public Comment Instructional Video was shown.

### **CITY COUNCIL**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (paragraph (1) of Subdivision [d] of Government Code Section 54956.9):

SPRAWLDEF et al. v. City of Richmond  
North Coast Rivers Alliance et al./Point Molate Alliance et al. v. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) and Subdivision (e) (3) of Government Code Section 54956.9): Three cases.

In light of the California Court of Appeals' decision in Fowler v. City of Lafayette, the City Attorney's Office is attaching to this agenda two letters regarding the amended judgment and various agreements related to Point Molate. These letters provide the existing facts and circumstances for going into closed session on these items pursuant to California Government Code Section 54956.9(d)(2) and (e)(3).

**PUBLIC COMMENT BEFORE CLOSED SESSION**

The following individuals gave comments via teleconference encouraging the City Council to approve a settlement agreement in the matter of SPRAWLDEF et al v. City of Richmond: Jeanne Kortz, Tarnel Abbot, Sally Tobin, Andres Soto, Jim Hansen, Pam Stello, and Lucy Gill.

**ADJOURN TO CLOSED SESSION**

The Open Session adjourned to Closed Session at 1:23 p.m.

**REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION**

The report from the city attorney would be made during the later regular city council meeting scheduled for 6:30 p.m..

**ADJOURNMENT**

There being no further business, the Closed Session adjourned at 2:49 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor

**From:** [David Kafton](#)  
**To:** [City Clerk Dept User](#)  
**Cc:** [David Kafton](#)  
**Subject:** Public comments – Open Session prior to Closed Session  
**Date:** Tuesday, September 14, 2021 11:42:25 AM

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Dear Richmond Council Members,

Greetings.

I hope you are doing very well.

As a resident of Marina Bay, real estate broker/owner, and member of the Richmond Shoreline Alliance, I strongly oppose the proposed development at Pt. Molate.

I urge you to stop it as soon as possible.

Thank you very much for your consideration of my request.

All the best,

*David*

*David Kafton, Ph.D.*  
*Owner/Real Estate Broker*  
*Kafton Real Estate*  
[david@kaftonrealestate.com](mailto:david@kaftonrealestate.com)  
[davidkafton@gmail.com](mailto:davidkafton@gmail.com)  
[www.kaftonrealestate.com](http://www.kaftonrealestate.com)  
510.524.8973

**From:** [Jim Hanson](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public comments – Open Session prior to Closed Session  
**Date:** Tuesday, September 14, 2021 12:00:22 PM

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Dear members of the Council-

Please continue to fight for the people for a revised Point Molate settlement that puts a check on the blank check that's been given to big developers and investors.

You have been pitched the illusion of added property taxes from the current Pt. Molate development agreement. That may sound attractive after many tens of hours struggling with the City budget.

However, the chronic financial damage that would be inflicted on our city from the Point Molate Development Agreement with SunCal last year is clear and in writing for anyone to see. As difficult as this may be, and if you went along this agreement in the past, this is the time to reevaluate and look out for you resident's interests. This deal has hit a bumpy road with the Bay Conservation and Development Commission and the nature of this bad deal is becoming known far beyond our city. This development agreement is as much about economic justice as anyone one of you has spoken for.

Please take a glance at section 4.2 from the Point Molate Development Agreement. It gives private developers and big investors, not elected council members or the people of Richmond, the choice and sole right to set up a financing obligation on the people or Richmond through the Mello Roos Community Services District, as well to decide what those taxes will pay for. The budget risk from the development agreement is so questionable City staff won't put it in any budget forecast you've been presented with in the last year. The deep pockets of the last two developers who were given rights to Pt. Molate has a been a hassle, to put it mildly, but moving ahead with this deal is a path worth turning from.

Thank you for doing the difficult and challenging work to find a better and fair Pt. Molate development for the people of Richmond.

Jim Hanson  
Richmond